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REMARKS

Entry of this Request for Reconsideration is proper under 37 CFR §1.116, since no new claims or issues are presented and the Examiner will want to consider the Applicant's comments hereinbelow prior to proceeding to Appeal.

Claims 1, 3-11, 23, and 25-39 are all of the claims presently pending in the application.

It is noted that Applicant specifically states that no amendment, if any, to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-3, 6, 23, 25, 32, and 36 stand rejected under 35 USC §102(e) as anticipated by US Patent 5,923,453 to Yoneyama. Claims 4, 5, 7-11, 26-31, 33-35, and 37-39 stand rejected under 35 USC §103(a) as unpatentable over Yoneyama.

The prior art rejections are respectfully traversed in view of the following discussion.

I. THE CLAIMED INVENTION

Applicant's invention, as disclosed and claimed in independent claim 1, is directed to an optical transmission path monitoring system for monitoring optical transmission paths by wavelength-division multiplexing probe lights with signal lights of a wavelength division multiplexing optical transmission system. The monitoring system includes an optical fiber monitoring probe light for monitoring optical fibers, which constitute some parts of the optical transmission paths, and an optical amplifier-repeater monitoring probe light for monitoring optical amplifier-repeaters, which constitute other parts of said optical transmission paths. A wavelength of the optical fiber monitoring probe light comprises such a wavelength as makes wavelength dispersion in the optical transmission paths negative, and a wavelength of the optical amplifier-repeater monitoring probe light comprises such a wavelength as makes wavelength dispersion in the optical transmission paths positive.

As explained at lines 4-9 of page 3 of the present Application, the conventional methods either monitor only optical amplifiers or optical fibers and optical amplifier-repeaters are collectively monitored as an optical transmission path without strictly differentiating them.

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II. THE PRIOR ART REJECTIONS

The Examiner alleges that Yoneyama anticipates claims 1-3, 6, 23, 25, 32, and 36 and renders obvious the present invention defined by claims 4, 5, 7-11, 26-31, 33-35, and 37-39. Applicant respectfully disagrees.

Regarding independent claims 1, 23, and 32, the Examiner has pointed out that Yoneyama teaches an optical transmission path monitoring system comprises an optical fiber monitoring probe light (λ_{sv1} throughout) for monitoring optical fibers and an optical amplifier-repeater monitoring probe light (λ_{sv2} throughout) for monitoring optical amplifier-repeaters. However, Applicant believes that the Examiner misunderstands the cited reference.

Yoneyama discloses that an optical transmission system shown in Figures 9 and 10 comprises a supervisory signal light λ_{sv1} for monitoring an up optical fiber transmission line 41a by the back scattered light of the supervisory signal light λ_{sv1} from the up line 41a (see column 10), and a supervisory signal light λ_{sv2} for monitoring a down optical fiber transmission line 41b by the back scattered light of the supervisory signal light λ_{sv2} from the down line 41b (see columns 10 and 11).

Thus, Yoneyama teaches an optical system shown in Figures 9 and 10 for monitoring both of the up and down transmission lines 41a, 41b at the same time (see column 11). Yoneyama also discloses that an optical transmission system shown in Figures 13 and 14 comprises a supervisory signal light λ_{sv1} for monitoring an optical input level to a down optical amplifier 34 b (see column 12), and a supervisory signal light λ_{sv2} for monitoring an optical output level from an up optical amplifier 34a (see column 12).

Thus, Yoneyama teaches an optical system shown in Figures 13 and 14 for monitoring both of the optical input level and optical output level of the up optical amplifying repeater at the same time (see column 12). An important thing is the system shown in Figures 9 and 10 differ from the system shown in Figures 13 and 14. These systems cannot monitor both of the optical fiber transmission lines and the optical amplifying repeaters at the same time. Consequently, Yoneyama does not teach an optical system comprises both of an optical fiber monitoring probe light (λ_{sv1} throughout) for monitoring optical fibers and an optical amplifier-repeater monitoring probe light (λ_{sv2} throughout) for monitoring optical amplifier-repeaters.

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In contrast, the present invention discloses an optical transmission path monitoring system that comprises *both of an optical fiber monitoring probe light λ_{sv1} for monitoring optical fibers and an optical amplifier-repeater monitoring probe light λ_{sv2} for monitoring optical amplifier-repeaters*.

Additionally, Yoneyama clearly does not teach a wavelength of the optical fiber monitoring probe light is such a wavelength as makes wavelength dispersion in optical transmission paths negative, and a wavelength of optical amplifier-repeater monitoring probe light is such a wavelength as makes wavelength dispersion in the optical transmission paths positive. Yoneyama only discloses the supervisory signal light λ_{sv1} is located in the left of main signal light $\lambda 1$ to $\lambda 4$ as shown in Figure 9, and supervisory signal light λ_{sv2} is located in the right of main signal light $\lambda 1$ to $\lambda 4$, as shown in Figure 10.

Yoneyama fails to disclose that wavelength dispersion of optical transmission paths has a positive slope.

Yoneyama also fails to disclose where the "zero dispersion wavelength" is located in Figures 9 and 10. Therefore, Yoneyama does not disclose that "the wavelength of the supervisory signal λ_{sv1} is such a wavelength as makes wavelength dispersion in optical transmission paths negative, and the wavelength of the supervisory signal light λ_{sv2} is such a wavelength as makes wavelength dispersion in the optical transmission paths positive".

Therefore, Applicant submits that the present invention is patentably different from Yoneyama in view of objects, constitutions, actions, and effects.

Hence, turning to the clear language of the claims, in Yoneyama there is no teaching or suggestion of: "...an optical fiber monitoring probe light for monitoring optical fibers which constitute some parts of said optical transmission paths; and an optical amplifier-repeater monitoring probe light for monitoring optical amplifier-repeaters which constitute other parts of said optical transmission paths, wherein a wavelength of said optical fiber monitoring probe light comprises such a wavelength as makes wavelength dispersion in said optical transmission paths negative, and a wavelength of said optical amplifier-repeater monitoring probe light comprises such a wavelength as makes wavelength dispersion in said optical transmission paths positive", as required by independent claim 1. The remaining independent claims have similar language to at least one of these exemplary distinguishing features of the present invention.

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Therefore, Applicant submits that all pending claims are patentable over Yoneyama, if for no reason than dependence from these independent claims.

III. FORMAL MATTERS AND CONCLUSION

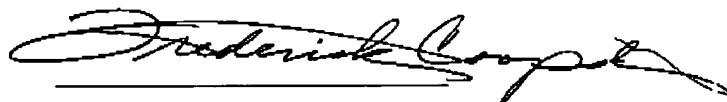
In view of the foregoing, Applicant submits that claims 1, 3-11, 23, and 25-39, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 3/6/06



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CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300/-3026 this Request for Reconsideration under 37 CFR §1.116 to Examiner A. Bello on March 6, 2006.



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